

Attorney Docket No.: 15270-47-5
Client Reference No.: 00209-US-CIP7

PATENT APPLICATION

PREVENTION AND TREATMENT OF AMYLOIDOGENIC DISEASE

Inventor(s): Dale B. Schenk
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Assignee: Neuralab Ltd

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PATENT
Attorney Docket No.: 15270J-004750US
15270J-004760US
15270J-004770US

Assistant Commissioner for Patents
Washington, D.C. 20231

On June 28, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Johnny J. Foster
TOMMY L. FOSTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applications of:

Schenk et al. .

Application No.: 09/580,015

09/580,018

09/580,019

Filed: May 26, 2000

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Examiner:

Art Unit:

DECLARATION IN SUPPORT OF AN
EXPEDITED PETITION FOR A
RETROACTIVE FOREIGN FILING
LICENSE

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Joe Liebeschuetz, declare as follows:

1. I am an attorney admitted to practice before the U.S. Patent and Trademark Office (Reg. No. 37,505). I was responsible for preparing and filing the above-captioned applications and corresponding foreign applications described below.

2. Patent applications relating to Prevention and Treatment of Amyloidogenic Disease have been filed in the following foreign countries on the dates shown:

<u>Country/Region</u>	<u>Serial Number</u>	<u>Filing Date</u>
Argentina	P000102514	May 23, 2000

Chile	1353-2000	May 26, 2000
Colombia	00039177	May 26, 2000
Ecuador	NK	May 25, 2000
Egypt	687/2000	May 27, 2000
Malaysia	NK	May 26, 2000
Nigeria	NK	May 22, 2000
Peru	488.2000	May 26, 2000
Philippines	NK	May 27, 2000
Pakistan	NK	May 23, 2000
Saudia Arabia	—	Unfiled
Thailand	057627	May 16, 2000
Taiwan	NK	May 24, 2000
Uruguay	26182	May 29, 2000
Venezuela	1135-00	May 24, 200

(NK = Not yet known. The Saudia Arabia application has not yet been filed but is mentioned here because applicants intend to file in Saudia Arabia after grant of a foreign filing license.)

3. Drafting of the specification for the above foreign applications was completed on or around May 9, 2000. The convention deadline for filing applications with a priority claim to USSN 09/322,289 filed May 28, 1999, was on or around May 28, 2000¹. The shortness of the intervening period resulted in substantial urgency to ship the specification to associates in the above countries, have it translated into languages of these countries, as needed, and complete other formal requirements for filing before expiry of the convention period. Due to the resulting pressures of time, I overlooked to consider whether a foreign filing license might be required or to apply for such a license. The failure to request a foreign filing license prior to filing of the above applications was done without deceptive intent. The present papers requesting a foreign filing license have been promptly prepared and filed within about a month of the above foreign filings.

4. I believe that no license is required because:

¹ May 28, 2000, was a Sunday so the exact date of expiration might vary slightly depending on regulations in individual countries pertaining to filing on weekends.

(i) the corresponding United States application 09/322,289 is not subject to a secrecy order under 37 CFR §5.2 and was filed at least six months prior to the date on which the foreign applications were filed;

(ii) the corresponding United States application was not required to be made available for inspection under 35 USC 181; and,

(iii) the modifications, amendments, and supplements in the foreign filed applications do not change the general nature of the invention in a manner which would require any corresponding United States application to be or have been available for inspection under 35 USC 181.

5. Although based on all of the above I am not certain that a foreign filing license is required, a retroactive filing licence is being diligently sought out of an abundance of caution.

6. The subject matter in the above captioned applications is not currently under a secrecy order, and was not under a secrecy order at the time it was filed.

7. I have been duly warned that willful false statements and the like are punishable by fine and imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

Respectfully submitted,

J. Liebeschuetz

Joe Liebeschuetz

Dated: 6/23/2000